THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No.18157 OF 2005

JUDGMENT: (per Hon'ble Sri Justice J.Chelameswar,)

Between

1. The Government of A.P. represented by

Secretary to Government, Higher Education (HE)

Department, Secretariat and 3 others ….Petitioners

And

E.S.M. Prasad

…. Respondent

Counsel for the petitioners: G.P. for Services I

Counsel for the respondent: -----

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No.18157 OF 2005

JUDGMENT: (per Hon'ble Sri Justice J.Chelameswar,)

Aggrieved by the order of the Administrative Tribunal, Hyderabad in allowing O.A.No.7016 of 1999 dated 2.9.2004, the respondents preferred the present writ petition with the prayer as follows:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ or direction more particularly one in the nature of 'WRIT OF CERTIORARI' calling for the record connected with order dated 1.4.04 in O.A.No.7016/99 on the file of the Hon'ble A.P.A.T. Hyderabad and quash the same as illegal and erroneous and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case"

The respondent herein was initially working in S.K.R. Government College, Gudur and in the year 1989 and he was sought to be transferred to Naidupet by proceedings Rc.No.1858/DC.II-3/89-6 dated 7.7.1989. It appears that the respondent challenged the said proceedings before the A.P. Administrative Tribunal and obtained interim suspension of the said order. It is not clear as to what transpired subsequently, but it appears that another order came to be passed on 18.8.1989 transferring the respondent to Vinukonda of Guntur District, notwithstanding the fact

that there was an interim suspension order granted by the A.P. Administrative Tribunal. As to how such an order came to be passed is not known. It is at this stage, the respondent approached the Commissioner and Director of Higher Education bringing it to notice the order of the Tribunal that came to be passed earlier. However, challenging the order dated 18.8.1989, once again the respondent approached the A.P. Administrative Tribunal and admittedly the second order of transfer also came to be suspended by the Tribunal. In the circumstances, one more order came to be passed on 29.6.1990 transferring the respondent to Government College at Rapur of Nellore District. The respondent accepted the posting and reported to duty at Rapur on 9.7.1990. Subsequently, the respondent made a representation to the petitioners herein praying that the period between 22.7.1989 to 8.7.1990 be treated as compulsory wait, which representation was rejected by the 1st petitioner herein by proceedings dated 8.6.1998. Challenging the said proceedings, the above O.A. came to be filed.

The Tribunal, in our view, rightly allowed the O.A. The above mentioned facts speak for themselves and no further reasoning, in our view, is required, to say that there are no merits in the writ petition. The writ petition is accordingly dismissed at the stage of admission.

_ _ _ _ _ _ _ _ _ _ _ _ _ _ _ J.
Chelameswar, J

Dt.25.10.2005

_____ Ramesh Ranganathan, J

asp